

UNITED STATES DISTRICT COURT
for the
Eastern District of Michigan

United States of America
v.
Rickey Anthony BUTLER

Case: 2:22-mj-30478
Assigned To : Unassigned
Assign. Date : 11/1/2022
CMP: USA v BUTLER (MAW)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of October 2022 in the county of Wayne in the
Eastern District of Michigan, the defendant(s) violated:

Code Section
18 U.S.C. §§ 922(g)(1) and 924(c)
21 U.S.C. § 841(a)

Offense Description
Felon in possession a firearm in furtherance of a drug trafficking crime

This criminal complaint is based on these facts:
See affidavit

☒ Continued on the attached sheet.

Sworn to before me and signed in my presence
and/or by reliable electronic means.

Date: November 1, 2022

City and state: Detroit, MI

Daniel Scott

Complainant's signature

Special Agent Daniel Scott
Printed name and title

Elizabeth A. Stafford

Judge's signature

Elizabeth A. Stafford, U.S. Magistrate Judge
Printed name and title

AFFIDAVIT IN SUPPORT OF A CRIMINAL COMPLAINT

I, Daniel Scott, being first duly sworn, hereby depose and state as follows:

I. Introduction and Background

1. I am a Special Agent with the Federal Bureau of Investigation (FBI) and have been since December of 2010. I am assigned currently to the FBI Detroit Division's Violent Crime Task Force ("VCTF"). As an FBI Special Agent, I have conducted or assisted in numerous federal and state investigations, including crimes of violence and violations of drug trafficking and firearms statutes.

2. The statements contained in this Affidavit are based on my experience and background as an FBI Special Agent and on information provided by police officers, other agents of the FBI, and other law enforcement personnel, as well as communications with others who have personal knowledge of the events and circumstances described herein.

3. The information outlined below is provided for the limited purpose of establishing probable cause and does not contain all the information known to law enforcement related to this investigation.

4. FBI is currently investigating Rickey Anthony BUTLER (DOB: XX/XX/1983). Probable cause exists that BUTLER, a felon, possessed with the intent to distribute cocaine and methamphetamine, and possessed a firearm in

furtherance of a drug trafficking crime, in violation of 18 U.S.C. §§ 922(g)(1) and 924(c) and 21 U.S.C. § 841(a).

5. I have conducted a criminal history check (CCH) for BUTLER. BUTLER has been convicted of the following felony offenses:

- a. On June 28, 2019, BUTLER pleaded guilty to Felony Controlled Substance – Delivery/Manufacture (Cocaine, Heroin or Other Narcotic) less than 50 grams. He was subsequently sentenced to one year in the Wayne County Jail, followed by two years of probation.
- b. On June 4, 2013, BUTLER pleaded guilty to Felony Controlled Substance – Deliver/Manufacture (Cocaine, Heroin or Other Narcotic) 50 to 449 grams. He was subsequently sentenced to 18 months to 20 years in the Michigan Department of Corrections.
- c. On May 3, 2011, BUTLER pleaded guilty to Felony Controlled Substance – Possession (Cocaine, Heroin or Other Narcotic) less than 25 grams. He was subsequently sentenced to two years of probation.
- d. On May 3, 2011, BUTLER pleaded guilty to Felony Assault with a Dangerous Weapon. He was subsequently sentenced to three months in the Wayne County Jail, followed by a term of probation.

6. In addition to the above-described convictions, BUTLER was charged with Felony Controlled Substance – Delivery/Manufacture (Cocaine,

Heroin or Other Narcotic) 1,000 grams or more and Felon in Possession of a firearm in January 2022. BUTLER was on pretrial release for that offense during the dates relevant to this Complaint.

7. Because BUTLER has been convicted of multiple felony offenses, has served a period of incarceration in the Michigan Department of Corrections (MDOC), was most recently discharged from MDOC supervision on March 12, 2021, and was recently charged with the offense felon in possession of a firearm, there is probable cause that BUTLER is aware of his status as a convicted felon.

II. Additional Background: October 10, 2022 Shooting

8. On Monday October 10, 2022, at approximately 3:25 a.m., officers of the Detroit Police Department responded to a shots fired police run near Fenton Street and Bennett Street, Detroit, MI. Upon arrival, the DPD officers observed an adult victim (AV-1) laying in the front lawn of a house on Fenton Street. AV-1 had been shot in their lower legs and back. AV-1 was initially uncooperative and was taken to the hospital.

9. In a subsequent interview, AV-1 provided a description of the person who shot them. Police recognized the description of the shooter as BUTLER. Officers presented AV-1 with a photo line-up and AV-1 positively identified BUTLER as the person who shot him.

10. AV-1 described the firearm that BUTLER used as a black firearm.

11. On October 10, 2022 BUTLER was being monitored via GPS tether for a pending firearms and narcotics case in Wayne County's Third Circuit Court. BUTLER's tether records place him approximately .2 miles south of the scene of the shooting at 3:19 a.m., which is approximately 6 minutes before the shooting was reported to police. At 3:24 a.m. BUTLER's tether records place him less than two miles north of the scene.

III. Probable Cause: March 4, 2022 Narcotics and Firearms Offenses

12. On March 4, 2022, members of the Livonia Police Intelligence Bureau executed a state search warrant at BUTLER's residence on Dale Street in Detroit, MI.

13. During the search, officers located the following items from the basement of the residence:

- a. One (1) Glock 20, 10mm semi-automatic handgun loaded with one round in the chamber and seven in the magazine.
- b. Seventeen (17) rounds of 10mm ammunition.
- c. A digital scale.
- d. A white Burberry brand bag containing the following:
 - i. A digital scale
 - ii. Approximately 4.8 gross grams of suspected fentanyl

- iii. Approximately 118.9 gross grams of suspected cocaine
- iv. Approximately 5.2 gross grams of suspected methamphetamine
- v. Fourteen (14) suspected Oxycodone Hydrochloride and Acetaminophen pills, imprinted "M522/7.5 325"
- vi. A suspected cutting agent
- vii. A black Visa debit card with suspected narcotic residue in the name of BUTLER.

14. Officers also recovered narcotics packaging materials from the kitchen and proof of residence documents and \$1,138 from an upstairs bedroom.

15. In a post-*Miranda* interview, BUTLER told police the following:

- a. BUTLER's only source of income is through selling narcotics, specifically cocaine, heroin, methamphetamine, and pills.
- b. He has approximately 100 regular customers and does upwards of 50 deals per day, mostly from his residence on Dale Street.
- c. The narcotics found in the Burberry bag in the basement belong to him, and BUTLER intended to sell them.
- d. BUTLER keeps the Glock firearm for protection.

16. Officers sent the suspected methamphetamine and cocaine to the Michigan State Police Forensic Laboratory for testing. The lab completed testing

and found the narcotics to be 62.426 grams of Cocaine HCl, a Schedule II controlled substance, and 3.990 grams of Methamphetamine, a Schedule II controlled substance.

17. On October 31, 2022, ATF Special Agent Jimmie Pharr, an expert in the interstate nexus of firearms, advised me that the Glock 20, 10mm semi-automatic handgun recovered from BUTLER's residence is a firearm as defined under 18 U.S.C. § 921 and was manufactured outside the state of Michigan and therefore traveled in and affected interstate commerce

Conclusion

18. Based on the above information, probable cause exists to believe that BUTLER, a previously convicted felon, knowing that he was previously convicted of an offense punishable by more than one year of imprisonment, knowingly possessed a firearm and ammunition, in violation of 18 U.S.C. § 922(g)(1).

19. Probable cause exists that BUTLER possessed the 62.426 grams of Cocaine HCl and 3.990 grams of Methamphetamine, in violation of 21 U.S.C. § 841(a). Further, the combination of the firearms and controlled substances, attributable to BUTLER, establishes probable cause that BUTLER possessed a firearm in furtherance of a drug trafficking crime, in violation of 18 U.S.C. § 924(c).

Respectfully submitted,

Daniel Scott

Daniel C. Scott, Special Agent
Federal Bureau of Investigation

Sworn to before me and signed in my presence
and/or by reliable electronic means.

Elizabeth A. Stafford

Hon. Elizabeth Stafford
United States Magistrate Judge
Dated: November 1, 2022